

REMARKS/ARGUMENTS

This Amendment responds to the office action dated May 2, 2007.

The Examiner rejected claims 41 and 42 under 35 U.S.C. § 102(e) as being anticipated by Werkhoven, WIPO Pub. No. WO/1999/59097. Independent claim 41, as amended, includes the limitation of “opening an advertisement in a second browser and maintaining said second browser in a said background window while said first browser is simultaneously displayed in said foreground window until the occurrence of a user-initiated event occurring after said second browser is opened.” Not only is this limitation not disclosed by Werkhoven, but the reference actually teaches against it. *See* Werkhoven at p. 4 lines 4-5 (stating that an advertisement is automatically brought to the foreground once it has loaded into the pop-up window); *Id.* at p. 2 lines 34-38 (stating that pop-up windows are automatically removed after a predetermined time interval to allow for additional, serially-displayed pop-up advertisements; hence waiting an indefinite time to move the advertisement to the foreground would defeat the purpose of Werkhoven’s method). Thus, as amended, claim 41, as well as its dependent claim 42, patentably distinguishes over Werkhoven and the applicant respectfully requests that the Examiner’s rejection of these claims be withdrawn.

The Examiner rejected claims 21-40 under 35 U.S.C. § 103(a) as being obvious over the combination of Landsman et al., U.S. Pat. App. Pub. No. 2003/004804 in view of Werkhoven, cited above. At the outset, the applicant notes that the combination asserted by the Examiner is improper, as it would alter the principle operation of the primary reference, Landsman. That reference describes an interstitial within a web browser, in which the browser loads the content of a new web page to which a user has navigated, into the browser. Landsman seeks to use this interstitial to display advertising content in a “polite” manner, i.e., the advertisement not only is displayed in the same browser window as that being navigated by the user, but is displayed at a time when the user is not trying to view the content the user has actually chosen.

The combination suggested by the Examiner would frustrate both these features of Landsman. First, the combination would return the interstitial within the first browser back to an unused state – directly contrary to the teachings of Landsman. Moreover, the combination would display advertisements, i.e. move them to the foreground, and leave them there after a new web page has fully loaded. *See* Werkhoven at p. 4 lines 35-39 (stating that an advertisement is

displayed for its full time period even if a user navigates to a new page in a web site). The applicant notes that neither reference enables any feature that would allow the pop-up browser to detect when a new web page has fully loaded into the first browser, so as to terminate. Finally, with the advertisement moved to a pop-up window, the new web page to which a user has browsed would begin to load in the first browser immediately, with its content obstructed by the pop-up window.

In any event, the applicant has amended each of claims 21 and 31 to recite the limitations of “said event handler maintaining said second browser in said background until the occurrence of a user-initiated action made after said second browser is opened in said background window” and “maintaining said second browser in said background until the occurrence of a user-initiated action made after said second browser is opened in said background window”, respectively. Neither reference discloses these respective limitations.

For each of the foregoing reasons, claims 21 and 31, as amended, each distinguishes over the cited prior art, as do their respective dependent claims 2-20 and 32-40. Therefore, the applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) in view of the combination of Landsman and Werkhoven be withdrawn.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 21-42.

Respectfully submitted,



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